

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

DARIUS MILLER and DARA MILLER, ) No. C-11-01175 YGR  
)  
Plaintiffs, ) **STIPULATION AND [MODIFIED] ORDER RE:**  
) **MODIFICATION OF DISCOVERY DEADLINE**  
v. ) **AND DISPOSITIVE MOTION HEARING**  
) **DEADLINE**

SECURITY LIFE OF DENVER INSURANCE )  
COMPANY, a Colorado corporation; ING )  
AMERICA EQUITIES INC., a Colorado )  
corporation; SOUTHLAND LIFE INSURANCE )  
COMPANY, a Texas corporation, and DOES 1 )  
through 50, inclusive, )

Defendants. )

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SECURITY LIFE OF DENVER INSURANCE )  
COMPANY, a Colorado corporation; ING )  
AMERICA EQUITIES, INC., a Colorado )  
corporation, )

Third Party Plaintiffs, )

v. )

AVIVA LIFE AND ANNUITY COMPANY, an )  
Iowa corporation; GEORGE W. SHAEFFER, an )  
individual, )

Third Party Defendants. )

1 AVIVA LIFE AND ANNUITY COMPANY, )

2 Cross-Complainant in Interpleader, )

3 v. )

4 DARIUS MILLER and DARA MILLER, )  
5 SECURITY LIFE OF DENVER INSURANCE )  
6 COMPANY, a Colorado corporation; ING )  
7 AMERICA EQUITIES INC., a Colorado )  
8 corporation; and LAWRENCE W. KRIEGER, )  
9 JR., in his capacity as Executor of the Estate of )  
10 Bruce A. Miller, )

11 Cross-Defendants in Interpleader. )

12 SECURITY LIFE OF DENVER INSURANCE )  
13 COMPANY; ING AMERICA EQUITIES, INC. )

14 Cross-Claimants, )

15 v. )

16 DARIUS MILLER AND DARA MILLER, )  
17 LAWRENCE W. KRIEGER, JR., in his capacity )  
18 as Executor of the Estate of Bruce A. Miller )

19 Cross-Defendants. )

Pursuant to Civil Local Rule 6-2, plaintiffs Darius Miller and Dara Miller (“plaintiffs”), defendants/third party plaintiffs Security Life of Denver Insurance Company and ING America Equities, Inc. (“defendants”), third-party defendant Aviva Life and Annuity Company (“Aviva”), and cross-defendant in interpleader Lawrence W. Krieger, through their respective counsel, submit the following stipulation and proposed order re: modification of discovery deadline and dispositive motion hearing deadline:

Prior to mediation, the parties took the deposition of plaintiff Dara Miller, and F.R.C.P. 30(b)(6) depositions of defendants and Aviva. The parties refrained from taking additional depositions until after mediation.

On June 26, 2012, the parties completed an unsuccessful mediation before the Hon. Ronald M. Sabraw (Ret.). In an effort to accommodate the scheduling of additional depositions sought by defendants and Aviva, the parties request an extension of the Discovery Cutoff from July 30, 2012 to August 31, 2012. Additionally, the parties have agreed to a corresponding extension of the Dispositive Motion Hearing Date Cutoff from September 25, 2012 to October 30, 2012.

Prior the transfer of this action to this Court, and prior to Aviva’s appearance in the case, there had been two previous stipulated extensions of the Discovery Cutoff. This Court also modified the Discovery Cutoff after the transfer of this action to this Court. The requested time modifications will not alter the January 14, 2013 trial date in this case.

NOW, THEREFORE, the parties, through their respective counsel of record, hereby stipulate and jointly request that the Court enter an Order as follows:

1. That the Discovery Cutoff be moved to August 31, 2012.
2. That the Dispositive Motion Hearing Date Cutoff be moved to October 30, 2012.

SO STIPULATED, THAT THE DATES SHALL BE MODIFIED AS SET FORTH ABOVE.

1 DATED: July \_\_, 2012

BARTKO, ZANKEL, TARRANT & MILLER  
A Professional Corporation

2  
3 By \_\_\_\_\_  
4 Brian P. Villarreal  
5 Attorneys for Plaintiffs  
6 DARIUS MILLER and DARA MILLER  
and Cross-Defendant in Interpleader  
LAWRENCE W. KRIEGER, JR.

7 DATED: July \_\_, 2012

KIRBY NOONAN LANCE & HOGE LLP

8  
9 By \_\_\_\_\_  
10 Christopher T. Wright  
11 Attorneys for Defendants/Third-Party Plaintiffs  
SECURITY LIFE OF DENVER INSURANCE  
COMPANY and ING AMERICA EQUITIES, INC.

12 DATED: July \_\_, 2012

BARTKO, ZANKEL, TARRANT & MILLER  
A Professional Corporation

13  
14 By \_\_\_\_\_  
15 J. Ethan McDaniel  
16 Attorneys for Third-Party Defendants  
AVIVA LIFE AND ANNUITY COMPANY

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18 The parties understand that the modified schedule reduces by 30 days the amount of time  
19 the Court will have to render a decision on a summary judgment motion prior to the deadline for  
20 pretrial filing. Accordingly, the parties are advised that they may be required to prepare for trial  
21 without the benefit of such a decision.

22 This Order Terminates Docket Number 96.

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 DATED: July 10, 2012

25   
26 YVONNE GONZALES ROGERS  
27 UNITED STATES DISTRICT JUDGE